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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/667,693	09/22/2000	James H. Johnson	47382.000060	1007

29315 7590 05/06/2003

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EXAMINER

BUCZINSKI, STEPHEN C

ART UNIT PAPER NUMBER

3662

DATE MAILED: 05/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.



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Paper No. 8

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OFFICE OF PETITIONS

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5/6/03

In re Reissue Application of
Johnson, et al.
Application No. 09/667,693
Filed: September 22, 2000
Atty. Dkt. No. 47382.000060
Title: SPEED AND ACCELERATION
MONITORING DEVICE USING
VISIBLE LASER BEAMS

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: DECISION REFUSING STATUS
: 37 CFR 1.47(b)
:
:
:

This is in response to the renewed petition under 37 CFR 1.47(b) filed November 2, 2001.

The petition is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(b)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified reissue application was filed September 22, 2000 without an executed oath or declaration and naming James H. Johnson and John DiDomenico as joint inventors. Accordingly, on October 26, 2000, a "Notice to File Missing Parts of Application" was mailed, requiring an executed oath or declaration, and a surcharge for its late filing. A petition under 37 CFR 1.47(b) was filed April 26, 2001 and dismissed September 6, 2001.

A grantable petition under 37 CFR 1.47(b) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; (4) a statement of the last known address of the non-signing inventor; (5) proof of proprietary interest; and (6) a showing that such action is required to preserve the rights of the parties or to prevent irreparable damages.

Petitioner lacks item (2) set forth above.

As to item (2), declaration submitted with the instant renewed petition is not acceptable as it fails to comply with the requirements of 37 CFR 1.63. Specifically, the declaration indicates that the inventors **have not** reviewed the claims as amended.

As required by 37 CFR 1.63(b)(2), the oath or declaration must state that the person making the oath or declaration has reviewed and understands the contents of the application, including the claims, as amended by any amendment specifically referred to in the oath or declaration. An oath or declaration signed on behalf of the inventors named in the application must attest to the same as it is the person who is signing the oath or declaration on behalf of the inventors that is attesting to having reviewed and understood the contents of the application, including the claims, as amended by any amendment specifically referred to in the oath or declaration, on behalf of the named inventor.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner for Patents
Box DAC
Washington, D.C. 20231

By FAX: (703) 308-6916
Attn.: Office of Petitions

By hand: Crystal Plaza Four, Suite 3C23
2201 S. Clark Place
Arlington, VA

Telephone inquiries regarding this decision should be directed to Petitions Attorney Alesia M. Brown at (703) 305-0310.

for 20 Wood
Beverly M. Flanagan
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for Patent Examination Policy